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S.F. must pay \$1 million in attorneys' fees in discrimination suit

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Saturday, December 22, 2007

The city of San Francisco must pay about \$1 million in attorneys' fees to a white man who filed a successful race-discrimination suit after he was passed up for a promotion at San Francisco International Airport, a state appeals court ruled Friday.

Allen Harmon won \$30,300 in damages in a 2004 verdict by a San Mateo County jury that concluded he was rejected for a supervisor's job in 1998 at least in part because of his race. A minority candidate got the promotion, and Harmon's lawyer said he had to wait 16 months to get the same job through a race-neutral civil service promotion.

Harmon's suit, filed by the Pacific Legal Foundation, claimed that the city had designed hiring and promotional policies at the airport to reflect the Bay Area's racial and ethnic makeup. The city denied having racial quotas or bias, saying most of the promotions awarded at the time went to white men, but later changed the policy that Harmon had challenged.

State and federal law entitled Harmon to legal fees for a successful civil rights suit against a government agency, and he was awarded more than \$1.1 million by Superior Court Judge Thomas Smith.

City lawyers argued that the fee was far too high, noting that Harmon had originally sought \$600,000 in damages and had been awarded only a small fraction of that amount. But the First District Court of Appeal upheld most of the fee Friday, ordering a reduction only for sums spent litigating one issue that was decided in the city's favor.

While the fee may seem excessive in a suit that was only partially successful, the court said, the trial judge examined it thoroughly and concluded that Harmon had succeeded in vindicating "important public interests" in a neutral promotional policy.

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